

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BARRY LAMON, No. CIV S-03-0423-FCD-CMK-P

Plaintiff,

vs. ORDER

C.K. PLILER, et al.,

Defendants.

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's document entitled "Plaintiff's F.R.Evidence Rule 201(d) Request for Judicial Notice in Support of His L.R. 37-251(b), (c), and (d) Certification of Good-Faith and Due Diligence to Gain Discovery" (Doc. 195), filed on December 26, 2007. Attached to this document is plaintiff's purported certification pursuant to Eastern District of California Local Rule 37-251.

Local Rule 37-251 sets forth the procedures for presenting a motion relating to a discovery dispute to the court. The rule requires the parties to meet and confer as part of preparing a joint statement regarding the dispute. See Local Rule 37-251(b)-(d). However, in cases such as this, where the plaintiff is a prisoner proceeding pro se, all motions are submitted to

1 the court pursuant to Local Rule 78-230(m). In other words, Local Rule 37-251 does not apply.  
2 Moreover, to the extent plaintiff is preparing a certification under Local Rule 37-251 in  
3 connection with an anticipated motion concerning a discovery dispute, discovery is closed and,  
4 therefore, a discovery motion would not be appropriate at this time. For these reasons, plaintiff's  
5 request for judicial notice (Doc. 195) is denied as unnecessary.

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7 IT IS SO ORDERED.

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9 DATED: January 3, 2008

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11 CRAIG M. KELLISON  
12 UNITED STATES MAGISTRATE JUDGE

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